

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 08/24/2021

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MARIO J. HERNANDEZ, ET AL.,

Plaintiffs,

-v-

BMNY CONTRACTING CORP., ET AL.,

Defendants.
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17-cv-9375 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

Plaintiffs Mario J. Hernandez, Jose Milton Aparicio, Fidencio Orellana Diaz, Diego Lacerda, Francisco Lopez, Assis Rodriguez, Vradimir A. Guzman, Ramon Basurto, Guillermo A. Sanchez, Walney Silva, Brandon Hemmen, Jefferson Bastos and Victoria Chila Lopez (“Plaintiffs”) brought the instant action against Defendants BMNY Contracting Corp., BMNY Construction Corp., Benedetto Cupo, and Eastland Services Corp. (“Defendants”) alleging violations of the Fair Labor Standards act, 29 U.S.C. § 201, *et seq.* (“FLSA”) and the New York Labor Law, N.Y. Lab. L. § 650, *et seq.* (the “NYLL”).


On January 8, 2021, Plaintiffs moved pursuant to Federal Rule of Civil Procedure 55(b)(2) for an entry of a default judgment against Defendants. Dkt. No. 111. On January 20, 2021, the Court held a hearing on the default judgment motion; no counsel appeared on behalf of Defendants. The Court ordered Plaintiffs to serve a copy of its motion and the Court’s order on DCD Construction. Dkt. No. 120. Plaintiffs filed an affidavit indicating that it served a copy of its motion on Defendants on January 29, 2021. Dkt. No. 121. Defendants have not responded to the motion.

Pursuant to the Court's authority under Federal Rule of Civil Procedure 55, the Court has examined Plaintiff's motion for default judgment, Dkt. No. 111, and the amended complaint, Dkt. No. 61. The Court is satisfied that the allegations of the complaint—if taken as true—would establish liability as to the Defendants. Because Defendants have failed to appear in this case despite having been served, it is hereby ORDERED that a default judgment is entered against Defendants as to liability on Plaintiff's claims under FLSA and the NYLL.

The Clerk of Court is respectfully directed to close the motion at Dkt. No. 111. The case is referred to the Magistrate Judge for an inquest on damages.

SO ORDERED.

Dated: August 24, 2021
New York, New York



LEWIS J. LIMAN
United States District Judge